

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

<b>ANGEL ENRIQUE NUNEZ ESCOBAR</b>	)	
<b>et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:11-0994</b>
	)	<b>Judge Campbell</b>
<b>LEE GAINES et al.,</b>	)	
	)	<b>Jury Demand</b>
<b>Defendants.</b>	)	

**MOTION TO CONTINUE TRIAL**

Defendants Sergeant Gary Kemper and Detective Shaun Hardin (collectively “the Metro Defendants”) hereby move the Court to continue the December 2, 2014 trial in this case pending the outcome of the Metro Defendants’ appeal. As background, this Court denied the Metro Defendants’ motion for summary judgment on September 4, 2014. (Doc. No. 513.) Because the Metro Defendants raised the defense of qualified immunity, they filed a Notice of Appeal seeking immediate appellate review of the denial of summary judgment. (Doc. No. 520.)

The Sixth Circuit’s resolution of the Metro Defendants’ appeal will determine whether trial can proceed against them. It is highly unlikely that the Sixth Circuit will resolve the Metro Defendants’ appeal in sufficient time for them to prepare for trial on December 2, 2014. Additionally, because of the conspiracy allegations in this case and the overlapping nature of some of the allegations, it would be unjust for trial to proceed without the Metro Defendants being present to defend themselves concerning any evidence or allegations that could potentially affect them in a future trial. Accordingly,

the Metro Defendants request that the December 2, 2014 trial be continued until after the Sixth Circuit's resolution of the Metro Defendants' appeal.<sup>1</sup>

Respectfully Submitted,

**THE DEPARTMENT OF LAW OF THE  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY  
SAUL SOLOMON (#11689)  
DIRECTOR OF LAW**

/s/ James E. Robinson  
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<sup>1</sup> Additionally, pursuant to the Court's September 4, 2014 order certifying a jurisdictional issue for immediate appeal (Doc. No. 511), the Federal Government Defendants have filed a petition with the Sixth Circuit seeking an interlocutory appeal. If the Sixth Circuit grants their petition, all of the Defendants, except the Clairmont Defendants, will have claims on appeal.

## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served electronically, via the CM/ECF filing system, on the 22<sup>nd</sup> day of September, 2014 to:

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/s/ James E. Robinson